

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

PERLA OLIVIA RIVERA,

§

Plaintiff,

§

v.

§

AMERICAN MULTI-CINEMA, INC.,

CIVIL ACTION NO. 7:22-cv-00280

Defendant.

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NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to Title 28 U.S.C. §§1332, 1441(a) and (e), and 1446, Defendant American Multi-Cinema, Inc. files this *Notice of Removal* to the United States District Court for the Southern District of Texas, McAllen Division, on the basis of diversity of citizenship and amount in controversy, and respectfully shows the following:

I.

FACTUAL BACKGROUND

1. On July 8, 2022, an action was commenced by Plaintiff Perla Olivia Rivera (Plaintiff) in the 206th Judicial District Court of Hidalgo County, Texas styled *Perla Olivia Rivera v. American Multi-Cinema, Inc.*, Cause No. C-2585-22-D. *See Exhibit 3.*

3. On July 13, 2022, Defendant was served with a citation and Plaintiff's Original Petition through its registered agent. *See Exhibit 4.*

4. On August 8, 2022, Defendant filed its Original Answer in the 206th Judicial District Court of Hidalgo County, Texas. *See Exhibit 5.*

5. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See Exhibit 3.*

6. Defendant files this notice of removal within 30 days of receiving service of Plaintiff's pleading. *See* 28 U.S.C. §1446(b).

7. Attached hereto are copies of the following documents:

Exhibit 1: Civil Cover Sheet;

Exhibit 2: Supplemental Cover Sheet;

Exhibit 3: Plaintiff's Original Petition;

Exhibit 4: Citation and Return of Service for Defendant American Multi-Cinema, Inc.;

Exhibit 5: Original Answer of Defendant American Multi-Cinema, Inc.;

Exhibit 6: Index of Matters Being Filed;

Exhibit 7: List of Parties and Counsel;

Exhibit 8: Defendant's Corporate Disclosure Statement; and

Exhibit 9: The State Court's Docket Sheet.

II.
BASIS FOR REMOVAL

8. Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. Plaintiff and Defendant Are Diverse

9. As set forth in Plaintiff's Original Petition, Plaintiff is a citizen of the State of Texas. *See* **Exhibit 3** at ¶ 3.1.

10. At the time the lawsuit was filed, Defendant was and continues to be a Missouri corporation with its primary place of business in Leawood, Kansas.

11. Complete diversity exists between Plaintiff and Defendant.

B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction

12. In Plaintiff's Original Petition, Plaintiff seeks monetary relief "that is more than \$250,000.00, but not more than \$1,000,000.00." See **Exhibit 3** at ¶ 9. Therefore, the amount in controversy exceeds the jurisdictional requirements.

III.
THE REMOVAL IS PROCEDURALLY CORRECT

13. Defendant first received notice of this lawsuit on July 13, 2022 when it was served with Plaintiff's Original Petition. See **Exhibit 4**. Thus, Defendant files this Notice within the 30-day period required by 28 U.S.C. § 1446(b).

14. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because i) this District and Division include the county in which the state action has been pending, and ii) a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division. See **Exhibit 3** at ¶ 5.

14. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

15. Promptly after Defendant files this *Notice of Removal*, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

16. Promptly after Defendant files this *Notice of Removal*, a true and correct copy of same will be filed with the Clerk of the Hidalgo County District Court pursuant to 28 U.S.C. §1446(d).

IV.
CONCLUSION

17. BASED ON THE FOREGOING, Defendant American Multi-Cinema, Inc., requests that this action be removed from the 206th Judicial district Court of Hidalgo County, Texas to the United States District Court for the Southern District of Texas, McAllen Division.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Heather H. Phelps

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**ATTORNEYS FOR DEFENDANT
AMERICAN MULTI-CINEMA, INC.**

CERTIFICATE OF SERVICE

This is to certify that I have complied with Rule 5 of the Federal Rules of Civil Procedure, that the foregoing instrument has been e-filed with the Office of the United States District Clerk for the Southern District of Texas, McAllen Division on August 12, 2022 and that the electronic filing system will send a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document:

Via E-file:

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/s/ Heather H. Phelps

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